



City of Hampton, Virginia

Ordinance - Zoning Text

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: 11-0184

Enactment Number: Z11-03

Zoning Ordinance Amendment No. 022-2010 by the City of Hampton to amend and re-enact Chapter 1 of the Zoning Ordinance of the City of Hampton, Virginia entitled "Zones and General Provisions" by amending section 1-2 pertaining to zoning maps and adding section 1-5 pertaining to aircraft noise and aircraft accident potential zones and boundaries and section 1-6 pertaining to special regulations regarding discretionary zoning applications in air installation compatible use zones (AICUZ).

Sec. 1-2. - Zoning maps.

The location of boundaries of the particular districts, except the Flood Zone District as set forth in chapter 17.3, article V of the zoning ordinance, shall be as shown on a map entitled, "Zoning District Map, Hampton, Virginia, 1960, as amended," which map is a reference map to be used in conjunction with this ordinance. The said map is a composite of a series of maps, including the noise overlay map depicting the boundaries of the noise contour district as set forth in chapter 22, article III of the city code and in sec. 1-5 of this chapter, maps depicting the aircraft accident potential zones, and maps showing a more detailed location of boundaries between districts, said series of maps being entitled, "Zoning District Sectional Maps, 1960, as amended," which aforementioned maps are hereby declared to be a part of this ordinance. The location and boundaries of the various flood plain districts located within the Flood Zone District shall be as shown on a map entitled, "Flood Insurance Rate Map," which map and any amendments thereto as adopted by city council is hereby declared to be a part of this ordinance and shall be used in conjunction with the "Zoning District Sectional Maps" to determine flood plain or flood-prone areas as defined in chapter 17.3, article V of this ordinance. The noise overlay map, the aircraft accident potential zones map, and the original "Zoning District Sectional Maps" and "Flood Insurance Rate Map" shall be filed in the office of the zoning administrator for more detailed reference.

Where uncertainty exists as to the boundaries of any of the aforesaid districts as shown on said maps, the following rules shall apply:

- (1) With the exception of the flood zones, the Chesapeake Bay preservation area district, the noise contour district and the aircraft accident potential zones, the district boundary lines are intended to follow street, lot, or property lines, unless such district boundary lines are fixed by dimensions as shown on the "Zoning District Sectional Maps, 1960, as amended."
- (2) Where such boundaries are so indicated that they approximately follow the lot lines, and are not more than ten (10) feet distant therefrom, such lot lines shall be construed to be such boundaries, unless specifically

shown otherwise.

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Sec. 1-5. Airport noise and aircraft accident potential zones and boundaries

- (1) The intent of city council and the purpose of this section are to:
 - (a) Protect the public health, safety and welfare from the adverse impacts associated with excessive noise from flight operations at Langley Air Force Base and the potential for aircraft accidents associated with proximity to airport operations; and
 - (b) Ensure that the construction of residential use group buildings or portions thereof, located within those areas of Hampton likely to be affected by aircraft noise associated with flight operations at Langley Air Force Base provide for appropriate sound reduction to minimize the impact of such noise on occupants as set forth and enforced in chapter 22, article III of the city code, and pursuant to the provisions VA Code §15.2-2295 which require that any airport noise zone contours be established as an amendment to the zoning ordinance and designated on the zoning map.
- (2) The designation of any parcel of land as lying in an airport noise zone or in an aircraft accident potential zone, or both, shall be in addition to, and not in lieu of, the zoning district classification of such parcel, such that any parcel of land situated within an airport noise zone or in an aircraft accident potential zone, or both, shall also lie in one (1) or more of the zoning districts as set forth in the zoning ordinance and shall be subject to all applicable provisions of the zoning ordinance.
- (3) The boundaries of the airport noise zones shall be as shown on the noise contour district map as adopted and amended by city council.
- (4) For purposes of administering and enforcing the provisions of this ordinance and the provisions of chapter 22, article III of the city code as applicable to sound attenuation measures, there shall be three (3) airport noise zones and three (3) aircraft accident potential zones. Airport noise zones shall be as follows:
 - (a) Noise Zone 65-70 dB DNL;
 - (b) Noise Zone 70-75 dB DNL;
 - (c) Noise Zone greater than 75 dB DNL;
- (5) Aircraft accident potential zones shall be as shown on the air installation compatible use zones (AICUZ) map and shall be as follows:
 - (a) CZ - Clear Zone (an area extending outward from the threshold of an active runway which possesses a high potential for accidents);

- (b) APZ-I - Aircraft Accident Potential Zone I (an area extending outward from a clear zone which possesses a significant potential for accidents); and
 - (c) APZ-II - Aircraft Accident Potential Zone II (an area extending outward from aircraft accident potential zone I which possesses a measurable potential for an accident.
- (6) The purpose of the establishment of three (3) airport noise zones and three (3) aircraft accident potential zones is to distinguish between the severities of the level of noise impacts so that appropriate acoustical performance standards can be employed to mitigate the adverse impacts of aircraft noise and to facilitate accurate identification of such zones for land use purposes. Each of the three (3) airport noise zones and three (3) aircraft accident potential zones shall be designated on the maps as adopted and amended by city council and made part of the zoning map.

Sec.1-5.1. Required disclosures in certain real property transactions

- (1) The provisions of Virginia Residential Property Disclosure Act (VA Code §§55-517 thru-525), as applicable to required disclosures regarding real property in localities in which a military air installation is located, are hereby incorporated by reference.
- (2) The provisions of VA Code §55-248.12:1, pertaining to required disclosures in rentals of residential property in localities in which a military air installation is located, are hereby incorporated by reference.
- (3) Any person who fails to provide the disclosure required by this section shall be subject to the remedies provided in VA Code §55-524 or §55-248.12:1, as the case may be.

Sec.1-5.2. Avigation easements

Any owner of property located wholly or partially in an airport noise zone of 65 dB DNL or greater is encouraged to provide the United States Air Force with an avigation easement prior to development of the property, either as a proffer made as part of a conditional zoning application or as part of the subdivision review process. The avigation easement shall be in a form recommended by the director of the department of community development and shall be approved by the city attorney.

Sec.1-6. Special regulations in air installations compatible use zones (AICUZ)

- (1) Purpose and intent.
 - (a) The purpose of this section is to regulate, in a manner consistent with the rights of individual property owners and the requirements of military operations at Langley Air Force Base (LAFB), development of uses and structures that are incompatible with military operations; to sustain the economic health of the city and Hampton Roads Region; to protect and

preserve the public health, safety and welfare from the adverse impacts associated with high levels of noise from flight operations at LAFB and the potential for aircraft accidents associated with proximity to airport operations; and to maintain the overall quality of life of those who live, work and recreate in the City of Hampton.

(2) Findings. The city council hereby finds that:

- (a) Langley Air Force Base is among the oldest continuously active air bases in the United States and its history parallels the history of military aviation in the United States, first as an element of the Army and then as a separate military department. In December 1916, the land that became Langley Field was the first property ever purchased by the United States for aviation purposes. In 1916, the National Advisory Council for Aeronautics (NACA), predecessor to the national Aeronautics and Space Administration (NASA), established the need for a joint airfield and proving ground for Army, Navy and NACA aircraft. With the advent of World War I, Langley Field became an air station with coastal defense responsibilities. Langley Air Force base has historically functioned as a headquarters, first for the Army and later for the Air Force major command, responsible for fighter aircraft. With the arrival of the Tactical Air Command and jet aircraft, in 1948 Langley Field officially became Langley Air Force Base. Over its history, units at LAFB have been tapped to assist in virtually all the nation's military engagements. LAFB is a vital component in the architecture of the Defense Department's joint service method of operational planning and execution and in the newly-emerging inter-agency approach to meeting homeland defense requirements;
- (b) Langley Air Force Base generates a significant economic impact on the economies of Hampton and the surrounding jurisdictions. The installation's economic impact analysis for FY08 indicates that LAFB had a financial impact of nearly \$1.3 billion. Just over half of that figure was attributed to annual payroll to military and civilian personnel, while over one-third was in local expenditures (construction, services, materials, supplies, and equipment). LAFB estimated that 6,577 indirect jobs were created by the installation and its activities, which equated to a value of nearly \$203 million. For fiscal year (FY) 2008, LAFB supported nearly 26,000 personnel. This number includes almost 11,000 active duty military, Air Force Reserve and Air National Guard personnel and nearly 13,000 active duty military dependents. There were 2,331 civilians employed at LAFB making LAFB one of the single largest employers in the City of Hampton;
- (c) The closure or realignment of Langley Air Force Base would have serious adverse economic consequences to the city and the region; and
- (d) In 2010, the City of Hampton along with the cities of Poquoson, Newport News and York County, joined with the Air Force and LAFB to undertake the "Hampton-Langley Joint Land Use Study" (JLUS) as a proactive and preventative effort to ensure mutual beneficial growth and

development at LAFB and the jurisdictions it encompasses and abuts. In furtherance of the Hampton-Langley JLUS and to avoid conflicts previously experienced between the United States military and local communities in Hampton Roads, the city council hereby adopts general regulations applicable in all airport noise zones greater than 70 dB DNL and aircraft accident potential zones to help prevent any additional encroachment at LAFB.

Sec.1-6.1. Applicability

- (1) The provisions of this section 1-6 shall apply to discretionary development applications for any property located within an Accident Potential Zone (APZ) or 70--75 dB DNL or >75 dB DNL Noise Zones, as shown on the official zoning map, that have not been approved or denied by the city council as of the date of adoption of this chapter. For purposes of this chapter and the zoning ordinance, discretionary development applications shall include applications for:
 - (a) Rezoning, including conditional zonings;
 - (b) Conditional use permits and conditional privileges for new uses or structures, or for alterations or enlargements of existing conditional uses and uses having an existing conditional privilege where the occupant load would increase;
 - (c) Conversions or enlargements of nonconforming uses or structures, except where the application contemplates the construction of a new building or structure or expansion of an existing use or structure where the total occupant load would not increase; and
 - (d) Vacation of public streets, alleys or other public rights-of-way where the application contemplates the construction of a new building or structure or the expansion of a use or structure where the total occupant load is increased.

Sec.1-6.2. Discretionary development applications

- (1) In addition to the provisions of chapter 17.1, M-4 district—Langley Flight Approach- Land Intensive Manufacturing District, chapter 17.2 M-5 district—Langley Flight Approach- Mixed Use District, and chapter 17.3, article III, A-A: Aircraft Approach District, it shall be the policy of the city council that no application for discretionary development included within the provisions of this chapter shall be approved unless the uses and structures it contemplates are designated as compatible uses under Table 1 below and, if applicable, Table 2, unless the city council finds that no reasonable use designated as compatible or allowed under the applicable table or tables can be made of the property. In such cases, the city council shall approve the proposed use of the property at the lowest density or intensity of development that is reasonable. In the event of conflict between the provisions of the aforesaid zoning districts and this section, this section shall control.

- (2) Tables. The following tables show the uses designated as compatible (Y) and those designated as not compatible (N) in each listed Noise Zone (Table 1) or Accident Potential Zone (Table 2). The designation of any use as compatible shall not be construed to allow such use in any zoning district in which it is not permitted as either a principal or conditional use.

TABLE INSET:

TABLE 1 – AIR INSTALLATIONS COMPATIBLE USE ZONES LAND USE COMPATIBILITY IN NOISE ZONES		
Land Use	Land Use Compatibility	
Land Use Name	70-75 dB DNL	>75 dB DNL
Residential and Related		
Single-family dwellings	N	N
Semidetached dwellings	N	N
Attached dwellings/townhouses	N	N
Duplexes	N	N
Multiple-family dwellings	N	N
Dormitories and other group quarters	N	N
Mobile home parks	N	N
Hotels and motels	N	N
Other residential uses	N	N
Manufacturing		
Food & kindred products; manufacturing	Y	Y
Textile mill products; manufacturing	Y	Y
Apparel and other finished products; products made from fabrics, leather and similar materials; manufacturing	Y	Y
Lumber and wood products (except furniture); manufacturing	Y	Y
Paper and allied products; manufacturing	Y	Y
Printing, publishing and allied industries	Y	Y
Chemicals and allied products; manufacturing	Y	Y
Petroleum refining and related industries	Y	Y
Rubber and misc. plastic products; manufacturing	Y	Y
Stone, clay and glass products; manufacturing	Y	Y
Primary metal products; manufacturing	Y	Y

Fabricated metal products; manufacturing	Y	Y
Professional scientific, and controlling instruments; photographic and optical goods; watches and clocks	Y	Y
Miscellaneous manufacturing	Y	Y
Transportation, communication and utilities		
Railroad, rapid rail transit, and street railway transportation	Y	Y
Motor vehicle transportation	Y	Y
Aircraft transportation	Y	Y
Marine craft transportation	Y	Y
Highway and street right-of-way	Y	Y
Automobile parking	Y	Y
Communication	Y	Y
Utilities	Y	Y
Other transportation, communication and utilities	Y	Y
Trade		
Wholesale trade	Y	Y
Retail trade – building materials, hardware and farm equipment	Y	Y
Retail trade – general merchandise	Y	Y
Retail trade – food	Y	Y
Retail trade – automotive, marine craft, aircraft and accessories	Y	Y
Retail trade – apparel and accessories	Y	Y
Services		
Retail trade – furniture, home furnishings and equipment	Y	Y
Retail trade – eating and drinking establishments	Y	Y
Other retail trade	Y	Y
Finance, insurance and real estate services	Y	Y
Personal services	Y	Y
Cemeteries	Y	Y
Business services	Y	Y
Warehousing and storage	Y	Y
Repair services	Y	Y
Professional services	Y	Y
Hospitals, other medical facilities	Y	N
Nursing homes	N	N
Contract construction services	Y	Y
Government services	Y	Y

Educational services	Y	N
Miscellaneous services	Y	Y
Cultural, entertainment and recreational		
Cultural activities (including churches)	Y	N
Nature Exhibits	N	N
Public assembly halls	N	N
Auditoriums, concert halls	Y	N
Outdoor music shells, amphitheaters	N	N
Outdoor sports arenas, spectator sports	Y	N
Other outdoor recreational facilities	Y	Y
Indoor recreational facilities	Y	Y
Campgrounds	Y	N
Parks	Y	N
Other cultural, entertainment and recreation	Y	N
Resource Production and Extraction		
Agriculture (except livestock)	Y	Y
Livestock farming	Y	N
Animal breeding	Y	N
Agriculture related activities	Y	Y
Forestry activities	Y	Y
Fishing activities	Y	Y
Mining activities	Y	Y
Other resource production or extraction	Y	Y

TABLE INSET

TABLE 2 – AIR INSTALLATIONS COMPATIBLE USE ZONES LAND USE COMPATIBILITY IN ACCIDENT POTENTIAL ZONES			
Land Use	Land Use Compatibility		
Land Use Name	Clear Zone	APZ – I	APZ - II
Residential and Related			
Single-family dwellings	N	N	Y
Semidetached dwellings	N	N	N
Attached dwellings/townhouses	N	N	N
Duplexes	N	N	N
Multiple-family dwellings	N	N	N

Dormitories and other group quarters	N	N	N
Mobile home parks	N	N	N
Hotels and motels	N	N	N
Other residential uses	N	N	N
Manufacturing			
Food & kindred products; manufacturing	N	N	Y
Textile mill products; manufacturing	N	N	Y
Apparel and other finished products; products made from fabrics, leather and similar materials; manufacturing	N	N	N
Lumber and wood products (except furniture); manufacturing	N	Y	Y
Paper and allied products; manufacturing	N	Y	Y
Printing, publishing and allied industries	N	Y	Y
Chemicals and allied products; manufacturing	N	N	N
Petroleum refining and related industries	N	N	N
Rubber and misc. plastic products; manufacturing	N	N	N
Stone, clay and glass products; manufacturing	N	N	Y
Primary metal products; manufacturing	N	N	Y
Fabricated metal products; manufacturing	N	N	Y
Professional scientific, and controlling instruments; photographic and optical goods; watches and clocks	N	N	N
Miscellaneous manufacturing	N	Y	Y
Transportation, communication and utilities			
Railroad, rapid rail transit, and street railway transportation	N	Y	Y
Motor vehicle transportation	N	Y	Y
Aircraft transportation	N	Y	Y
Marine craft transportation	N	Y	Y
Automobile parking	N	Y	Y
Communication	N	Y	Y
Utilities	N	Y	Y
Other transportation, communication and utilities	N	Y	Y
Trade			
Wholesale trade	N	Y	Y
Retail trade – building materials, hardware and farm equipment	N	Y	Y
Retail trade – general merchandise	N	N	Y
Retail trade – food	N	N	Y
Retail trade – automotive, marine craft, aircraft and accessories	N	Y	Y

Retail trade – apparel and accessories	N	N	Y
Services			
Retail trade – furniture, home furnishings and equipment	N	N	Y
Retail trade – eating and drinking establishments	N	N	N
Other retail trade	N	N	Y
Finance, insurance and real estate services	N	N	Y
Personal services	N	N	Y
Cemeteries	N	Y	Y
Business services	N	N	Y
Warehousing and storage	N	Y	Y
Repair services	N	Y	Y
Professional services	N	N	Y
Hospitals, other medical facilities	N	N	N
Nursing homes	N	N	N
Contract construction services	N	Y	Y
Government services	N	N	Y
Educational services	N	N	N
Miscellaneous services	N	N	Y
Cultural, entertainment and recreational			
Cultural activities (including churches)	N	N	N
Nature Exhibits	N	Y	Y
Public assembly halls	N	N	N
Auditoriums, concert halls	N	N	N
Outdoor music shells, amphitheaters	N	N	N
Outdoor sports arenas, spectator sports	N	N	N
Other outdoor recreational facilities	N	Y	Y
Indoor recreational facilities	N	Y	Y
Campgrounds	N	N	N
Parks	N	Y	Y
Other cultural, entertainment and recreation	N	Y	Y
Resource Production and Extraction			
Agriculture (except livestock)	Y	Y	Y
Livestock farming	N	Y	Y
Animal breeding	N	Y	Y
Agriculture related activities	N	Y	Y
Forestry activities	N	Y	Y
Fishing activities	N	Y	Y

Mining activities	N	Y	Y
Other resource production or extraction	N	Y	Y

(3) The provisions of this section shall not apply to discretionary development applications for the redevelopment of property where the proposed dwelling unit density is the same as or lower than the actual dwelling unit density existing at the time the application is submitted.

Sec.1-6.3. Reservation of powers; severability.

(1) Nothing in this section 1-6 shall be construed to require the city council to approve any application solely because it meets the requirements of this section 1-6, it being the intention of this section that the city council shall be entitled to exercise its authority in such applications to the fullest extent allowed by law.

(2) The provisions of this section 1-6 shall be severable, it being the intention of the city council that in the event one (1) or more of the provisions of this section shall be adjudged to be invalid or unenforceable, the validity and enforceability of the remaining provisions of this section shall be unaffected by such adjudication.

Adopted at the regular meeting of the City Council of the City of Hampton, Virginia held on June 8, 2011.

Signed by _____
Molly Joseph Ward, Mayor

Date _____

Attested by _____
Katherine K. Glass, CMC
Clerk of the Council

Date _____